

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-HC-2046-FL

| | | |
|----------------------|---|-------|
| RANDLE PORTER COOKE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| TRACY JOHNS, |) | |
| |) | |
| Respondent. |) | |

On February 4, 2011, the court issued an order (DE #13) allowing petitioner fourteen (14) days to show cause why his case should not be dismissed in light of the holding in Timms v. Johns, 627 F.3d 525 (4th Cir. 2010). Petitioner did not file a response within the time specified in the order.

Accordingly, the petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE. Respondent's motion to dismiss (DE # 6), petitioner's motion to appoint counsel (DE # 10), and respondent's motion to stay proceedings (DE # 11) are hereby DENIED AS MOOT. The Clerk is DIRECTED to CLOSE this case.

SO ORDERED, this 3rd day of March 2011.


LOUISE W. FLANAGAN
Chief United States District Judge